

1 AARON D. FORD  
2 Attorney General  
3 MICHELLE DI SILVESTRO ALANIS (Bar No. 10024)  
Supervising Senior Deputy Attorney General  
4 GERALD L. TAN (Bar No. 13596)  
Senior Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
5 555 E. Washington Avenue, Suite 3900  
Las Vegas, NV 89101  
6 (702) 486-3268 (phone)  
(702) 486-3773 (fax)  
7 Email: malanis@ag.nv.gov  
*Attorneys for Defendant,*  
*State of Nevada, ex rel.*  
*Nevada Attorney General's Office*

9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 BYFORD "PETER" WHITTINGHAM, an  
individual,

13 Plaintiff,  
14 vs.

15 THE STATE OF NEVADA, *ex rel.*  
16 NEVADA ATTORNEY GENERAL'S  
OFFICE, a Subdivision of the State of  
Nevada.

17 Defendant.

Case No. 2:20-cv-00811-GMN-EJY

**STIPULATION AND ORDER  
REGARDING EXTENSION OF  
DISPOSITIVE MOTION DEADLINE**

**[FIRST REQUEST]**

19  
20 Pursuant to LR IA 6-2, LR 7-1 and LR 26-3, Plaintiff BYFORD PETER  
21 WHITTINGHAM ("Plaintiff"), by and through his counsel of record, MICHAEL P.  
22 BALABAN, Esq. of the Law Offices of Michael Balaban, and Defendant, STATE OF  
23 NEVADA, *ex rel.* its NEVADA ATTORNEY GENERAL'S OFFICE ("Defendant"), by and  
24 through its attorneys of record, AARON D. FORD, Attorney General for the State of Nevada,  
25 MICHELLE DI SILVESTRO ALANIS, Supervising Senior Deputy Attorney General and  
26 GERALD L. TAN, Senior Deputy Attorney General, hereby stipulate and request that this  
27 Court extend the Monday, January 29, 2024 dispositive motion deadline to Friday, March 29,  
28

1 2024. Additionally, the parties request that any opposition to a dispositive motion be due sixty  
2 (60) days thereafter, on or before Tuesday, May 28, 2024.

3 In support of this stipulation and request, the parties state that good cause exists as  
4 follows:

- 5 1. Since this Court's Order Extending Discovery and Other Deadlines (ECF No. 77)  
6 Defendant took Plaintiff's deposition and Plaintiff took three depositions of  
7 Defendant's witnesses. Additionally, Defendant propounded a second set of written  
8 discovery and Plaintiff replied to that discovery. Pursuant to this Court's Order,  
9 dispositive motions are currently due January 29, 2024.
- 10 2. The parties completed depositions with the last deposition taking place on  
11 December 20, 2023. The parties are currently awaiting the transcript from the court  
12 reporter for the December 20<sup>th</sup> deposition. Additionally, on January 1, 2024,  
13 Plaintiff provided responses to Defendant's Second Set of Interrogatories and  
14 Second Set of Requests for Production, which included Plaintiff's authorized  
15 release for medical information. Defendant's counsel will need time to review  
16 responsive documents received from Plaintiff's release as well as time to review all  
17 of the deposition transcripts, including the December 20<sup>th</sup> deposition transcript after  
18 it is received, in anticipation of the filing of a dispositive motion. Defendant's  
19 counsel will then draft Defendant's points and authorities and prepare the exhibits  
20 for its motion for summary judgment.
- 21 3. Defendant's counsel has two different administrative appeal hearings one on  
22 January 18, 2024, and another on February 14-16, 2024, for employee appeals of  
23 their respective dismissals from state service. Additionally, Defendant's counsel has  
24 other deadlines and work obligations making it difficult to complete the review of  
25 the foregoing documents and drafting of an anticipated dispositive motion.
- 26 4. Plaintiff's counsel has similar motion deadlines and work obligations and would  
27 also request additional time to review any dispositive motion and have sixty (60)  
28 days within which to respond to any dispositive motion.

1        This is the first request for an extension for dispositive motions. This Stipulation is  
 2 made in good faith and not for purposes of delay.

3        **PROPOSED SCHEDULE FOR DISPOSITIVE MOTIONS**

4        Based on the good cause set forth above, the parties submit the following proposed  
 5 modifications to the dispositive motion deadline:

Scheduled Event	Current Deadline	Proposed Deadline
Dispositive Motions	January 29, 2024	<i>March 29, 2024</i> <i>Any opposition to such a motion would be due on May 28, 2024.</i>
Joint Pretrial Order	February 27, 2024	<i>April 29, 2024 (If dispositive motions are filed the deadline for filing the joint pretrial order will be suspended until 30 days after a decision on the dispositive motions or further court order).</i>

14      DATED this 8th day of January, 2024.

14      DATED this 8<sup>th</sup> day of January, 2024.

15      AARON D. FORD

15      Law Offices of Michael P. Balaban

16      Attorney General

17      By: /s/ Michelle Di Silvestro Alanis

17      By: /s/ Michael P. Balaban

18      Michelle Di Silvestro Alanis (Bar. No. 10024)

18      Michael P. Balaban (Bar No. 9370)

19      Supervising Senior Deputy Attorney General

19      10726 Del Rudini St.

19      *Attorneys for Defendants*

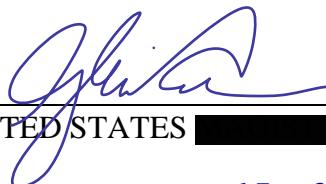
19      Las Vegas, NV 89141

19      *Attorneys for Plaintiff*

20      [Permission to sign electronically received in writing]

21        **ORDER**

22        IT IS SO ORDERED.

23          
 24        UNITED STATES [REDACTED] JUDGE

25        DATED: January 17, 2024